

**UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF PUERTO RICO**

METROPOLITAN LIFE INSURANCE COMPANY,

v.

CASE NUMBER: 97-2331-GZS

NATIONAL COMMUNICATIONS SYSTEMS,  
INC.d/b/a NATIONAL BENEFIT COMMUNICATION, INC., et als.

RECEIVED & FILED  
CLERK'S OFFICE  
U.S. DISTRICT COURT  
SAN JUAN, P.R.  
10 MAY 22 PM 2 42

**ORDER**

The Court hereby rules as follows:

<b><u>Docket No.</u></b>	<b><u>Ruling</u></b>	<b><u>Title and Date</u></b>
131	<b>GRANTED IN PART DENIED IN PART</b>	<b>Motion in Compliance with Order Regarding Documents Under Seal, September 7, 1999</b>

The documents in question are currently being held in the Court for inspection by Co-defendant John D'Angelo. The documents have not been delivered to Mr. D'Angelo personally because all of the parties had previously agreed to the Court's Order for a simultaneous exchange of documents and Co-defendant Axtmayer has yet to deliver documents requested by MetLife. See Docket No. 201. Co-defendant Axtmayer has now informed the Court that he is ready to deliver all non privileged documents. See Docket No. 218. Accordingly, Counsel Jesús Cuza is Ordered to pick up the CGD file submitted to the Court and deliver it to Co-defendant D'Angelo within twenty four (24) hours. Axtmayer shall simultaneously deliver the documents requested by MetLife.

135	<b>DENIED</b>	<b>Urgent Motion to Compel GA&amp;C to Deliver Documents to Undersigned, September 10, 1999</b>
-----	---------------	---

See Ruling on Docket No. 131.

141	<b>DENIED</b>	<b>Response to Frivolous Motion Filed by Benefit Communication of Puerto Rico, Inc.'s Attorney, Titled "Urgent Motion..." and Request for Sanctions</b>
-----	---------------	---

The Court previously considered and denied Plaintiffs' request in one of the discovery hearings. See Docket No. 186. Said determination is now reaffirmed. Moreover, the Court advises all parties to refrain from unnecessary accusations of ethical misconduct. The Court is

231

well aware of the difficulties being confronted by all parties regarding discovery. Still, the Court understands that this is a complex case with very sensitive issues which have affected the parties' cooperation and compliance with discovery. The Court will not take noncompliance with Court Orders lightly, but neither will the Court tolerate personal attacks amongst counsels.

**152 DENIED**

**Informative Motion and Motion Requesting Sanctions, September 30, 1999**

The Court has repeatedly stated that the controversy regarding Co-defendant Axtmayer's compliance with MetLife's requests for discovery is under advisement. When the controversy is resolved, the Court will determine whether or not sanctions proceed. See also Docket No. 186.

**166 MOOT**

**Motion for Leave to File Reply and Motion for Extension of Time to Oppose Request for Evidentiary Ruling, November 12, 1999**

See Docket No. 170 granting evidentiary hearing concerning discovery and Docket No. 194 granting in part, mooting in part, Docket No. 166.

**188 GRANTED IN PART  
MOOT IN PART**

**Motion Requesting Orders Directed to Plaintiffs' Counsel, February 15, 2000**

Plaintiff filed its opposition to Defendants' Motion to Disqualify on March 28, 2000 (Docket No. 205). Accordingly, Defendants' request for an Order that MetLife Oppose Defendants' Motion to Disqualify is **MOOT**.

Counsel Jesús Cuza has stated for the record that all matters regarding GA&C disqualification must be addressed to the firm's Executive Committee through Vicente Antonetti, Esq., so as to avoid any possible conflicts between Cuza's representation of MetLife and Cuza's access to privileged information regarding Goldman Antonetti & Córdova's (GA&C) prior representation of John D'Angelo, CGD or Boston Mutual. See Docket No. 195.

Counsel Jesús Cuza from GA&C has certified for the record that GA&C has not shared with MetLife or any MetLife employee the files kept and prepared by GA&C or its predecessor under the names of John D'Angelo, CGD, or Boston Mutual. See Docket Nos. 201 & 223. Accordingly, Defendants' request for a certification that GA&C has not shared the aforementioned documents with MetLife is **MOOT**.

Counsel for Plaintiff is Ordered to desist from pursuing discovery in the name of Plaintiff or GA&C in areas which are known to be protected under an attorney-client privilege. This determination, however, must not be read as implying a finding that Counsel for Plaintiff has, as a matter of fact, pursued discovery of privileged information or documentation.

- 190 NOTED IN PART  
DENIED IN PART Motion for Clarification and Requesting  
Sanctions, February 28, 2000**

The Court has noted the Order of events surrounding the filing of the parties' joint motion. Defendants' request for sanctions, however, is **DENIED**. The Court has previously advised the parties to refrain from making accusations of ethical misconduct each time a disagreement arises between them. Further, the Court advises all counsels to reevaluate their conduct in litigating this case. Clearly, this case is one involving sensitive issues. Notwithstanding, counsels must maintain the highest level of professional conduct, setting aside their personal enmity.

- 209 GRANTED/MOOT Motion for Extension of Time, April 3, 2000**

See Docket No. 223.

- 214 MOOT/NOTED D'Angelo Letter, January 21, 2000

See Ruling on Docket No. 131.

- 215 GRANTED Motion for Extension of Time to File Documents,  
April 14, 2000**

- 216 GRANTED Motion for Extension of Time, April 18, 2000**

In the hearing of April 12, 2000, MetLife was forewarned that its request for an extension would be the last one granted. See Docket No. 223. Notwithstanding, the Court is aware of the holidays and grants Plaintiff's new request for an extension. The Court forewarns Plaintiff, however, that absolutely no further extensions will be granted.

- 218 NOTED Motion Regarding Privileged Documents and  
Others to be Produced by Co-defendant Axtmayer,  
April 18, 2000**

Co-defendant Axtmayer is hereby Ordered to produce to Plaintiffs within twenty four (24) hours those documents listed in Attachment

A as non privileged documents. As per the production of the allegedly privileged documents, the Court retains the issue under advisement. Given Co-defendant Axtmayer's availability to produce all of its relevant, non privileged documents, Counsel Jesús Cuza is ordered to pick up the CGD file submitted to the Court and deliver it to Co-defendant D'Angelo within twenty four (24) hours. Counsel for Plaintiff is also Ordered to produce to all Defendants within twenty four (24) hours any outstanding documents.

**221 GRANTED Motion for Extension of Time, April 25, 2000**

Absolutely no further extensions will be granted.

222 MOOT Motion for Extension of Time, April 25, 2000

IT IS SO ORDERED.

Donald R. Davis

DATE: May 18, 2000

DANIEL R. DOMINGUEZ  
U.S. DISTRICT JUDGE

Rec'd: EOD:

By: #